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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,829	03/30/2004	Armen Avoyan	LMRX-P037/P1258	5065
32986	7590	01/10/2007		
IPSG, P.C. P.O. BOX 700640 SAN JOSE, CA 95170-0640			EXAMINER KACKAR, RAM N	
			ART UNIT	PAPER NUMBER
			1763	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,829

Applicant(s)

AVOYAN ET AL.

Examiner

Ram N. Kackar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 35-37 and 39-49 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Turner et al (US 5576629).**

Turner et al disclose monitoring electrical parameters of a plasma during an etch process, (Abstract). Further the electrical parameters could be current, voltage, phase and their harmonics (Col 1 lines 8-14, Col 5 lines 1-14 and lines 50-65) and the harmonic analysis could be used for process control and determination of endpoint (Col 7 and Col 8). Specifically, Turner et al state that analysis of different harmonics allows for understanding the relationship (model) of electrical parameters and process variables (Col 8 lines 22-33). Further this allows determination of end point or other process parameter done by comparing with predetermined historical data (Col 8 lines 20-47). The structural hardware provides for sensors for current and probe for voltage (Col 8 line 64-65). It is inherent and obvious that for generating a model from historical data a sample should undergo etching for a time period to fully enclose the end point in order to learn the behavior of the electrical parameter at the end point.

3. **Claims 35-49 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Butler et al (US 5458732).**

Butler et al disclose monitoring electrical parameters of a plasma during an etch process (Col 5 lines 13-18) at both upper electrode as well as at lower electrode. Further the electrical parameters could be current, voltage, phase and their harmonics (Abstract, Col 3 lines 51- 63) and the harmonic analysis could be used for process control and determination of endpoint (Col 6 lines 64 to Col 7 line 1). Specifically, Butler et al state that different harmonics may have different behavior (Col 3 lines 56-63), which allows for selecting a suitable harmonic. Further this allows determination of end point or other process parameter done by comparing with predetermined historical data. It is inherent and obvious that for generating a model from historical data a sample should undergo etching for a time period to fully enclose the end point in order to learn the behavior of the electrical parameter at the end point.

4. Claims 35-49 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Miyashita et al (JP 08227875).

Miyashita et al disclose monitoring electrical parameters of a plasma, during an etch process and teach that end point is determined by monitoring a change in a specific harmonic (Abstract and claims 14-16 from the machine translation in English). Further Miyashita et al disclose determination of correlation between a specific harmonic and a material present in the plasma whose concentration changes at the end point (Paragraphs 11-13, 27-29).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al (5576629) in view of Kagoshima et al (US Pub 2003/0003607).

Turner et al disclose determination of end point or other process parameter done by comparing with predetermined historical data but do not disclose how actual measurement of etch depth is obtained.

Using SEM is common to measure etching depths as taught by Kagoshima et al (Fig 2).

Therefore using an SEM for actual measurement would have been obvious for one of ordinary skill in the art at the time of invention.

7. Claims 42 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al (5576629) in view of Butler et al (US 5458732).

Turner et al do not disclose electrical parameter measurement at upper electrode as well as lower electrode.

Butler et al disclose monitoring electrical parameters of a plasma during an etch process (Col 5 lines 13-18) at both upper electrode as well as at lower electrode.

Therefore measuring electrical parameter at both electrodes would have been obvious in order to provide more choice in finding a parameter for endpoint detection.

Response to Arguments

Applicant's arguments filed 11/16/2006 have been fully considered but they are not persuasive.

Applicant argues that Turner does not teach selecting an end point indicator by comparing data pertaining to a plurality of harmonics.

This is not persuasive since Turner teaches doing analysis of harmonics. This means that for end point a harmonic, which clearly shows a change at the endpoint, would be selected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N. Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571 272 1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ram Kackar
Primary Examiner AU 1763